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APPLICATION NO. 023266	FILING DATE 03/15/01	PARKES FIRST NAMED INVENTOR	J	ATTORNEY-DOCKET NO.
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023266 IM51/0515  
DRIGGS, LUCAS, BRUBAKER & HOGG CO., L.P.  
DEPT. DLBH  
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MENTOR OH 44060

NAME, E EXAMINER

1 ART UNIT

PAPER NUMBER

05/15/01 9

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

**Advisory Action**

Application No.

09/392,925

Examiner

Eileen E. Nave

Applicant(s)

PARKES, JOHN HUMPHRIES

Art Unit

1754

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 May 2001 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check only a) or b)]**

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ In view of the early submission of the proposed reply (within two months as set forth in MPEP § 706.07 (f)), the period for reply expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.
3. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search. (see NOTE below);
- (b) ☐ they raise the issue of new matter. (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

4. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
5. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
6. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
7. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
8. ☐ For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):
- Claim(s) allowed: None.
- Claim(s) objected to: None.
- Claim(s) rejected: 1-9 and 21-23.
- Claim(s) withdrawn from consideration: 10-20.
9. ☐ The proposed drawing correction filed on \_\_\_\_\_ a) ☐ has b) ☐ has not been approved by the Examiner.
10. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
11. ☐ Other:

Continuation of 3. NOTE: The amendment filed 5/2/01 is improper because it contains a marked-up version that includes changes to claim 1, which were already made in a previous amendment filed 1/5/01, as well as new changes to claims 21-23; thus, the amendment raises new issues.

Continuation of 6. does NOT place the application in condition for allowance because: applicant's arguments are not persuasive. Applicant's argument that a rocket motor is not an explosive device, thus, there is no suggestion or motivation to combine the teachings of GB '884 with RU '560, or vice versa, is noted. However, a propellant is "an explosive material which generates a large volume of hot gas at a predetermined rate" as defined in Hackh's Chemical Dictionary; thus, a propellant would be an explosive body of GB '884. It is also noted that the instant invention and the prior art applied are spraying liquid to treat the exhaust /combustion gas. In regards to applicant's other arguments that the examiner does not give any reason for obviousness for the features of the dependent claims, the Examiner has stated reasons for obviousness (please see reasons already made of record) .



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